

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MEMORANDUM ORDER

On October 26, 2015 this District Court received a proposed 42 U.S.C. § 1983 ("Section 1983") Complaint in which pro se prisoner plaintiff Walter Middleton ("Middleton") asserted that his constitutional rights had been violated during his stay at the Cook County Department of Corrections ("County Jail"). Both that Complaint and two other Clerk's-Office-supplied forms -- an In Forma Pauperis Application ("Application") and a Motion for Attorney Representation ("Motion") -- were presented for this Court's consideration.

On November 18 this Court entered and continued the Application pending the submission of additional materials that it called for in its memorandum opinion and order ("Opinion") bearing that date, while at the same time it granted Middleton's Motion provisionally and designated a member of the District Court trial bar to serve as Middleton's counsel. When that originally designated lawyer had to step out of the case because of a conflict of interest, another trial bar member, J. Patrick Herald of the Baker & McKenzie firm, was designated to act in that capacity, and the originally scheduled initial status hearing date of January 22 is now approaching.

Meanwhile Middleton has just filed another Complaint, Application and Motion on January 8, 2016 in which he challenges still another asserted shortfall in the medical services provided him at the County Jail. Unsurprisingly this latest filing contains the same threshold flaws as his earlier lawsuit.¹

Under the circumstances this Court would appreciate attorney Herald's being prepared to discuss whether it makes more sense to consider the allegations in the new 2016 lawsuit to be made the subject of an Amended Complaint in the 2015 lawsuit rather than a second separate case, with attorney Herald representing Middleton on both claims. To assist attorney Herald in formulating and expressing his views, a copy of the 16 C 296 Complaint is being transmitted to him with a copy of this memorandum order.



Milton I. Shadur
Senior United States District Judge

Date: January 14, 2016

¹ What has just been said in the text does not speak to the substantive merit or lack of merit in either of Middleton's filings, a subject on which this Court expresses no views. Instead the focus here is on the procedural matters that were addressed in the Opinion in the 2015 case.